

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 342

July 28, 1995, 11:32 a.m.
Page S-10858 Temp. Record

GIFT BAN/Passage

SUBJECT: Senate Gift Reform . . . S. Res. 158. Passage.

ACTION: RESOLUTION AGREED TO, 98-0

SYNOPSIS: As introduced and passed, S. Res. 158, a resolution to provide for Senate gift reform, will amend the standing rules of the Senate to prohibit a Member, officer, or employee of the Senate from knowingly accepting any gift except as permitted by this resolution.

Permissible de minimus gifts (see vote No. 340):

- a gift may be accepted if the recipient reasonably believes it is worth less than \$50;
- a recipient may not accept gifts in one year from any one source with an aggregate value in excess of \$100;
- gifts worth less than \$10 will not be counted toward the \$100 gift limit from any one source; and
- no formal recordkeeping will be required of permissible gifts, though recipients will have to make a good faith effort to comply.

Gift definition:

- a "gift" will be defined as any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value;
- it will include gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred; and
- it will include a gift to a family member of a Member, officer, or employee of the Senate if it is given with the knowledge and acquiescence of that Member, officer, or employee and if it is given because of his or her official position.

The following will not be counted as gifts:

- food and refreshment given to dependents and spouses at the same time as food and refreshment is given to an individual covered by this resolution;
- anything for which the fair market value is paid;
- anything which is not used and is promptly returned (perishable items may instead be given to charity or thrown away);

(See other side)

YEAS (98)				NAYS (0)		NOT VOTING (2)	
Republican (52 or 100%)		Democrats (46 or 100%)		Republicans (0 or 0%)	Democrats (0 or 0%)	Republicans (2)	Democrats (0)
Abraham	Helms	Akaka	Inouye			Inhofe- ²	
Ashcroft	Hutchison	Baucus	Johnston			Murkowski- ²	
Bennett	Jeffords	Biden	Kennedy				
Bond	Kassebaum	Bingaman	Kerrey				
Brown	Kempthorne	Boxer	Kerry				
Burns	Kyl	Bradley	Kohl				
Campbell	Lott	Breaux	Lautenberg				
Chafee	Lugar	Bryan	Leahy				
Coats	Mack	Bumpers	Levin				
Cochran	McCain	Byrd	Lieberman				
Cohen	McConnell	Conrad	Mikulski				
Coverdell	Nickles	Daschle	Moseley-Braun				
Craig	Packwood	Dodd	Moynihan				
D'Amato	Pressler	Dorgan	Murray				
DeWine	Roth	Exon	Nunn				
Dole	Santorum	Feingold	Pell				
Domenici	Shelby	Feinstein	Pryor				
Faircloth	Simpson	Ford	Reid				
Frist	Smith	Glenn	Robb				
Gorton	Snowe	Graham	Rockefeller				
Gramm	Specter	Harkin	Sarbanes				
Grams	Stevens	Heflin	Simon				
Grassley	Thomas	Hollings	Wellstone				
Gregg	Thompson						
Hatch	Thurmond						
Hatfield	Warner						

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

VOTE NO. 342

JULY 28, 1995

- a political contribution;
- attendance at a fundraising event sponsored by a political organization (see vote No. 339 for related debate);
- a gift from a relative;
- a gift based on personal friendship (Ethics Committee written approval will be required for personal gifts worth more than \$250 from non-family members);
- a contribution from a non-lobbyist and non-foreign agent to a legal expense fund which is otherwise lawful, subject to disclosure requirements of the Ethics Committee;
- a gift from another Member, officer, or employee of the Senate;
- food, refreshment, lodging, and other benefits: resulting from outside business or employment activities unrelated to Senate activities; customarily provided by prospective employers in connection with bona fide employment discussions; or provided by a political organization in connection with fundraising or a campaign event (see vote No. 339 for related debate);
- pension and other benefits from continued participation in an employee welfare and benefits plan;
- informational materials sent to the office of a Member, officer, or employee;
- an award or prize from a competition open to the public;
- an honorary degree or other public service award and any payment of associated food, lodging, and travel expenses;
- a donation of a home State product of minimal value to the recipient that is given primarily for promotional purposes;
- training, including food, travel, and lodging expenses, if such training is in the interests of the Senate;
- bequests and other transfers at death;
- any item the receipt of which is authorized by statute;
- any item paid for by the Federal Government or a State or local government or that is secured by a Government contract;
- a gift of personal hospitality from an individual who is neither a foreign agent nor a lobbyist;
- free attendance at a widely attended public event, subject to conditions noted below;
- certain specified opportunities and benefits that are not related to one's congressional position, such as opportunities that are available to a class consisting of all Federal employees, or loans offered on terms generally available to the public;
- a plaque, trophy, or other commemorative item;
- anything for which the Ethics Committee grants a waiver;
- food or refreshments of a nominal value offered other than as a part of a meal; and
- an item of little intrinsic worth, like a baseball cap.

Gift rules for attendance at events:

- free attendance at a widely attended convention, conference, dinner, or similar event may be accepted from the event's sponsor if attendance is appropriate to the performance of official duties and if the Member, officer, or employee will present information or perform a ceremonial function appropriate for his or her official Senate duties;
- an "accompanying individual" may also attend for free if other event participants are typically accompanied of if such attendance helps in the official representation of the Senate; and
- a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's offer of free attendance at a charity event (see below for travel and lodging reimbursement restrictions).

Gift rules related to travel:

- reimbursement for travel, lodging, and related expenses from anyone other than a lobbyist or an agent of a foreign principal will be permissible if the travel is in connection with official duties; however, an employee of a Member will need advance approval from that Member or his or her supervisor; further, any reimbursed expenses will be disclosed within 30 days to the Secretary of the Senate, in detail, including the name of the person who will take or took the trip, the person paying for the trip, and a certification that the travel will be or was in connection with official duties;
- events will not be considered to be in connection with official duties if their activities are substantially recreational in nature (see vote No. 339 for related debate);
- the term "necessary travel, expenses, and lodging" will include reasonable expenses for a period not inclusive of travel time that does not exceed 3 days within the United State or 7 days outside the United States, unless approved in advance by the Ethics Committee; it will not include expenditures for recreational activities, nor will it include entertainment other than that provided to all attendees as an integral part of an event (unless that entertainment is otherwise allowed under this Act); it will include travel expenses incurred by a spouse or child if it is determined that the attendance of the spouse or child is appropriate to assist in the representation of the Senate; and
- the Secretary of the Senate will make available to the public all advance authorizations of travel and all disclosures of reimbursements.

Additional gifts that will be banned from lobbyists and agents of foreign principals are as follows:

- any item given to an entity that is maintained or controlled by a Member, officer, or employee of Congress;
- any charitable contribution made on the basis of a designation, recommendation or other specification by a Member, officer, or employee of Congress (though not including a mass mailing or other solicitation directed to a broad category of the general public,

JULY 28, 1995

VOTE NO. 342

nor including a charitable contribution made in lieu of honoraria; if a payment is made to a charity in lieu of honoraria, the details will be disclosed to the Secretary of the Senate within 30 days; the Secretary will make that information available to the public); and

- any contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee of Congress.

Miscellaneous:

- Additional reporting requirements on the value of Senators' assets will be imposed in order to disclose more accurately the value of those assets;

- it is the sense of the Senate that the Judicial Conference should review its rules relating to the acceptance of gifts by judicial branch employees (see vote No. 341);

- the Rules Committee will be allowed to accept gifts on behalf of the Senate as long as such acceptance does not involve any duty, burden, or condition; and

- this resolution will be effective for calendar years beginning on January 1, 1996.

NOTE: S. Res. 158 contains provisions from S. 1061, as amended, that apply to the standing rules of the Senate. Prior to taking up and passing S. Res. 158, the Senate returned S. 1061 to the calendar.

Those favoring final passage contended:

We are extremely pleased with the final outcome of this resolution. We were afraid that the vote on the Lott amendment would allow Senators to accept any gift of less than \$50 in value without aggregation, but our colleagues graciously accepted an amendment to allow only the acceptance of gifts worth less than \$10 without aggregation. We are confident that our constituents will agree that it would be very difficult to bribe a Senator by giving him or her a series of gifts worth less than \$10. This legislation will go a very long way toward restoring public confidence in the Senate as an institution, which has reached a dismal low. Fairly or unfairly, Americans are convinced that Senators represent special interests instead of their interests. Fairly or unfairly, Americans believe that Senators' votes are influenced by the lavish gifts that are bestowed upon them by lobbyists and corporate interests. This bill will end that perception by ending those gifts. We are very pleased to vote for this resolution to amend the standing rules of the Senate to prohibit the acceptance of gifts. This prohibition is long overdue.

While favoring passage, some Senators expressed the following reservations:

Instead of engaging in a picayune debate over a suffocating code of conduct, we wish we could have a serious discussion about the concept of personal responsibility in the Senate and in society at-large. The principle of personal responsibility has unfortunately eroded over the years, in part due to the growth of rules and ethics codes governing every aspect of our lives. These well-intentioned, and sometimes necessary, rules have had the unintended consequence of allowing us to pass the buck when we face moral dilemmas large and small. Instead of consulting our consciences, we call an ethics officer. Morality has been deadened by legality, and we are not the better for it. This bill may well be necessary to lessen the public perception that the Senate is for sale, but it will not promote responsible behavior by Senators. More than ever, Senators will ask themselves not what is right, but what is allowed under the rules, and questions of morality will be entirely forgotten as they wade through the complex rules and myriad exemptions in this resolution. The strict rules on the acceptance of gifts will improve the Senate's image, and for that reason we will vote in favor of passage, but we are still uneasy with substituting a code of conduct for our own consciences.